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108TH CONGRESS
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H. R. 4061

[Report No. 108-479]

To amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2004

Ms. LEE (for herself, Mr. ROHRABACHER, Mr. LANTOS, Mr. HYDE, Ms. MCCOLLUM, and Mr. LEACH) introduced the following bill; which was referred to the Committee on International Relations

MAY 5, 2004

Additional sponsors: Mr. PAYNE, Mr. LAMPSON, Mr. KILDEE, Mr. McDERMOTT, Ms. WATSON, Mr. CONYERS, Mr. RUSH, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Mr. RODRIGUEZ, Ms. CORRINE BROWN of Florida, Mr. ANDREWS, Mr. BROWN of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Mr. SMITH of Washington, Ms. WATERS, Mr. HOUGHTON, Mr. BRADY of Pennsylvania, Ms. MILLENDER-McDONALD, Ms. HARRIS, Mr. HONDA, Mr. HASTINGS of Florida, Mr. GREENWOOD, Mr. HOEFFEL, Mr. MCGOVERN, Mr. DOGGETT, Mr. GEORGE MILLER of California, Mr. MEEK of Florida, Mr. FILNER, Mr. DICKS, Mr. OWENS, Mr. BURTON of Indiana, Mr. McCOTTER, Mr. BEREUTER, Mr. GREEN of Wisconsin, Mr. MORAN of Virginia, Mr. SIMMONS, Mr. TANCREDO, Mr. SANDERS, Mr. KUCINICH, Mr. PUTNAM, Ms. CARSON of Indiana, Mr. WELLER, Mr. SHIMKUS, Ms. SCHAKOWSKY, Mr. STARK, Mr. RAMSTAD, Mr. WOLF, Mr. BELL, Mr. LINCOLN DIAZ-BALART of Florida, Mr. EHLERS, Mr. PENCE, Ms. KAPTUR, Mr. WYNN, Mr. RANGEL, Mr. SMITH of New Jersey, Mr. WHITFIELD, Mrs. BONO, Mr. WAXMAN, Mr. KING of New York, Mr. SULLIVAN, Ms. NORTON, Mr. GRIJALVA, Mr. WAMP, Ms. ROS-LEHTINEN, Mrs. BIGGERT, Mr. ACKERMAN, Mrs. JONES of Ohio, Ms. WOOLSEY, Ms. MCCARTHY of Missouri, Mr. SABO, Mr. MEEKS of New York, Mr. McINTYRE, Mr. McHUGH, Mr. GALLEGLY, Mr. CUMMINGS, and Ms. DELAURO

MAY 5, 2004

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Assistance for Orphans
5 and Other Vulnerable Children in Developing Countries
6 Act of 2004”.

7 **SEC. 2. FINDINGS AND DECLARATIONS OF POLICY.**

8 Congress finds and declares the following:

9 (1)(A) According to estimates by the United
10 Nations Children’s Fund (UNICEF), there are more
11 than 132,000,000 children in the world under the
12 age of three.

13 (B) Of these children, 4,000,000 will die in
14 their first month of life and another 7,000,000 will
15 die each year before reaching the age of five. Thus
16 an average of 30,000 children under the age of three
17 die each day.

1 (2) According to a report developed by the
2 United Nations Joint Programme on HIV/AIDS
3 (UNAIDS), UNICEF, and the United States Agen-
4 cy for International Development, in 2001 there
5 were more than 110,000,000 orphans living in sub-
6 Saharan Africa, Asia, Latin America, and the Carib-
7 bean.

8 (3) Assessments carried out by the Inter-
9 national Labor Organization (ILO) to investigate
10 the situation of children who are working found that
11 orphans are much more likely than non-orphans to
12 be working in commercial agriculture, the domestic
13 service industry, the commercial sex industry, as
14 street vendors, or in industries that violate inter-
15 nationally recognized rights of children.

16 (4) Infants who are poor and malnourished are
17 more likely to contract respiratory infections, diar-
18 rhea, measles, and other preventable diseases, and
19 are less likely to receive needed health care.

20 (5) According to UNAIDS and UNICEF, by
21 the end of 2001 there were an estimated 14,000,000
22 children under the age of 15 who had lost one or
23 both parents to AIDS.

24 (6) As the number of HIV cases increases in
25 sub-Saharan Africa and the Caribbean, as well as in

1 Eastern Europe and Asia, the death rate from AIDS
2 among adults in those regions is expected to in-
3 crease. By 2010 the total number of children in
4 those regions who will lose one or both parents to
5 AIDS is expected to be approximately 30,000,000.

6 (7) One-third of children born from an HIV-in-
7 fected mother develop HIV/AIDS. Few of these chil-
8 dren have access to HIV/AIDS medications.

9 (8) Globally, more than 11,800,000 young peo-
10 ple ages 15 to 24 were living with HIV/AIDS in
11 2001, and each day another 6,000 young people be-
12 came infected with HIV. New estimates indicate that
13 more than 70 percent of new HIV cases among this
14 age group in sub-Saharan Africa are young women
15 and girls.

16 (9) As their parents fall progressively sick from
17 HIV/AIDS, children generally must take on an in-
18 creasing number of responsibilities. Girls take re-
19 sponsibility for more household chores, often drop
20 out of school, and care for their parents.

21 (10)(A) Without an adequate diet, individuals
22 infected with HIV often die at an earlier age. Indi-
23 viduals with HIV become increasingly weak and fa-
24 tired, do not respond to drug treatment, and are

1 prone to other illnesses such as malnutrition and tu-
2 berculosis (TB).

3 (B) Hunger can also cause previously HIV-neg-
4 ative people to engage in high-risk survival strate-
5 gies, such as work in the commercial sex industry,
6 that increase their chances of becoming infected with
7 HIV.

8 (11) Extreme poverty and hunger coupled with
9 the loss of one or both parents as a result of AIDS
10 can force children from their families to a life on the
11 streets, where the risk of HIV infection is extremely
12 high.

13 (12)(A) A considerable number of United
14 States and indigenous private voluntary organiza-
15 tions, including faith-based organizations, provide
16 relatively modest amounts of assistance to orphans
17 and other vulnerable children in developing coun-
18 tries, especially children affected by HIV/AIDS.

19 (B) Many of these organizations have submitted
20 applications for grants from the United States Agen-
21 cy for International Development in order to provide
22 increased levels of assistance for orphans and other
23 vulnerable children in developing countries but in
24 most cases the Agency has not approved the applica-
25 tions.

1 (13)(A) Section 403(b) of the United States
2 Leadership Against HIV/AIDS, Tuberculosis, and
3 Malaria Act of 2003 (Public Law 108–25) estab-
4 lishes the requirement that for fiscal years 2006
5 through 2008, not less than 10 percent of amounts
6 appropriated for HIV/AIDS assistance for each such
7 fiscal year shall be expended for assistance for or-
8 phans and other vulnerable children affected by
9 HIV/AIDS.

10 (B) Further, section 403(b) of Public Law
11 108–25 requires that at least 50 percent of such
12 amounts shall be provided through non-profit, non-
13 governmental organizations, including faith-based
14 organizations, that implement programs on the com-
15 munity level.

16 (14)(A) It is essential that the United States
17 Government adopt a comprehensive approach for the
18 provision of assistance to orphans and other vulner-
19 able children in developing countries.

20 (B) This comprehensive approach should ensure
21 that important services, such as basic care, treat-
22 ment for those children with HIV/AIDS, mental
23 health and related services for those children af-
24 fected by HIV/AIDS, school food programs, in-
25 creased educational opportunities and employment

1 training and related services, and the protection and
2 promotion of inheritance rights, are made more ac-
3 cessible.

4 (C) This comprehensive approach should also
5 ensure that government agencies and the private
6 sector coordinate efforts to prevent and eliminate
7 duplication of efforts and waste.

8 (15) As a result of the numerous United States
9 Government programs under which assistance is spe-
10 cifically authorized or otherwise available for or-
11 phans and vulnerable children in developing coun-
12 tries, the United States Agency for International
13 Development will be required to develop innovative
14 methods for the conduct and monitoring of these
15 programs, including through the collection, analysis,
16 and reporting of information on the programs.

17 **SEC. 3. ASSISTANCE FOR ORPHANS AND OTHER VULNER-**
18 **ABLE CHILDREN IN DEVELOPING COUN-**
19 **TRIES.**

20 Title V of chapter 2 of part I of the Foreign Assist-
21 ance Act of 1961 (22 U.S.C. 2201) is amended to read
22 as follows:

1 “Title V—Assistance for Orphans and Other Vulnerable
2 Children

3 **“SEC. 241. FINDINGS; DECLARATION OF POLICY.**

4 “(a) FINDINGS.—Congress finds the following:

5 “(1) By 2010, HIV/AIDS will orphan more
6 than 25,000,000 children worldwide.

7 “(2) Ongoing conflicts and civil wars in devel-
8 oping countries are adversely affecting children in
9 these countries, the vast majority of whom currently
10 do not receive humanitarian assistance or other sup-
11 port from the United States Government.

12 “(3) Although the United States Government
13 currently administers assistance programs for or-
14 phans and other vulnerable children in developing
15 countries, for fiscal year 2002 the United States
16 Agency for International Development reported that
17 the United States Government provided assistance
18 to only 462,000 such orphans and other vulnerable
19 children, or less than one-half of one percent of the
20 estimated 108,000,000 total number of such or-
21 phans and other vulnerable children.

22 “(4) The United States Government should in-
23 crease its efforts to provide assistance for orphans
24 and other vulnerable children in developing coun-

1 tries, especially those children affected by HIV/AIDS
2 or conflict.

3 “(5) The United States Agency for Inter-
4 national Development should establish improved ca-
5 pacity to deliver assistance to orphans and other vul-
6 nerable children in developing countries through
7 partnerships with private voluntary organizations,
8 including faith-based organizations.

9 “(6) Further, the United States Agency for
10 International Development should be the primary
11 United States Government agency responsible for
12 identifying and assisting orphans and other vulner-
13 able children in developing countries.

14 “(b) DECLARATION OF POLICY.—Congress, recog-
15 nizing that prompt and appropriate action by the United
16 States to assist orphans and other vulnerable children in
17 developing countries is an important expression of the hu-
18 manitarian concern and tradition of the people of the
19 United States, affirms the willingness of the United States
20 to assist such orphans and other vulnerable children—

21 “(1) by providing assistance for the purpose of
22 improving the health, nutritional, shelter, edu-
23 cational, economic, and psychological status of or-
24 phans and other vulnerable children in such coun-
25 tries; and

1 “(2) by providing humanitarian and protection
2 assistance to such orphans and other vulnerable chil-
3 dren affected by conflict or civil strife.

4 **“SEC. 242. ASSISTANCE TO PROVIDE BASIC CARE.**

5 “(a) FINDINGS.—Congress finds the following:

6 “(1) The need for individuals and local organi-
7 zations in developing countries to assist households
8 headed by children is necessary due to the increase
9 in the number of such households. Millions of chil-
10 dren in these types of households lack basic care,
11 such as access to food and shelter.

12 “(2) When communities are responsible for
13 raising orphans, these children are cared for in a
14 rich and nurturing environment and remain con-
15 nected to the traditions and rituals of families and
16 the community.

17 “(3) As the number of these children increases,
18 the ability of communities to provide basic care for
19 such children is limited. Assistance to support the
20 provision of such basic care is therefore necessary in
21 and of itself and also to facilitate the provision of
22 other types of assistance for such children under this
23 title.

24 “(b) ASSISTANCE.—

1 “(1) IN GENERAL.—The President is author-
2 ized to provide assistance for programs in developing
3 countries to provide basic care for orphans and other
4 vulnerable children.

5 “(2) ACTIVITIES SUPPORTED.—Assistance pro-
6 vided under paragraph (1) should be used—

7 “(A) to support individuals and local orga-
8 nizations, including teachers, social workers,
9 and representatives from religious institutions
10 and nongovernmental organizations, to mobilize
11 their own resources through the establishment
12 of ‘community care councils’ to provide basic
13 care for orphans and other vulnerable children,
14 including day care, food assistance, protection
15 assistance, and home visits;

16 “(B) to increase the capacity of community
17 care councils described in subparagraph (A) to
18 meet on a regular basis to identify orphans and
19 other vulnerable children and to facilitate the
20 provision of services; and

21 “(C) to establish and operate centers in
22 such communities to provide basic care de-
23 scribed in subparagraph (A).

24 “(3) DEFINITION.—In this subsection, the term
25 ‘protection assistance’ means all appropriate meas-

5 **“SEC. 243. ASSISTANCE TO PROVIDE TREATMENT TO OR-**
6 **PHANS AND OTHER VULNERABLE CHILDREN**
7 **WITH HIV/AIDS.**

9 “(1) Approximately 2,500,000 children under
10 the age of 15 worldwide have HIV/AIDS. Every day
11 another 2,000 children under the age of 15 are in-
12 fected with HIV.

“(3) To date, more than 4,000,000 children worldwide are estimated to have died from AIDS, primarily contracted through mother-to-child transmission. Every year, approximately 700,000 babies are infected with HIV, of which the majority are living in Africa.

1 “(4) In southern Africa HIV/AIDS is now the
2 leading cause of death among young children, ac-
3 counting for almost half of such deaths.

4 “(5) Research has shown conclusively that initi-
5 ation in a timely manner of antiretroviral therapy
6 for infants or young children with HIV/AIDS can
7 preserve or restore their immune functions, promote
8 normal growth and development, and prolong life.

9 “(6) Few international development programs
10 specifically target the treatment of children with
11 HIV/AIDS in developing countries. Reasons for this
12 include the perceived low priority of pediatric treat-
13 ment, a lack of pediatric health care professionals,
14 lack of expertise and experience in pediatric drug
15 dosing and monitoring, the perceived complexity of
16 pediatric treatment, and mistaken beliefs regarding
17 the risks and benefits of pediatric treatment.

18 “(b) ASSISTANCE.—

19 “(1) IN GENERAL.—The President is author-
20 ized to provide assistance for the treatment of or-
21 phans and other vulnerable children with HIV/AIDS
22 in developing countries.

23 “(2) ACTIVITIES SUPPORTED.—Assistance pro-
24 vided under paragraph (1) should be used to carry
25 out the following activities:

1 “(A) The treatment of orphans and other
2 vulnerable children with HIV/AIDS through the
3 provision of pharmaceuticals, including high-
4 quality, low-cost antiretrovirals and other thera-
5 pies, including generically manufactured phar-
6 maceuticals where appropriate.

7 “(B)(i) The recruitment and training of in-
8 dividuals to provide the treatment described in
9 subparagraph (A), including the recruitment
10 and training of appropriate support personnel.

11 “(ii) Such training should include appro-
12 priate methodologies relating to initial diag-
13 nosis, appropriate dosages of pharmaceuticals,
14 monitoring, medication adherence techniques,
15 and treatment for any complications resulting
16 from such pharmaceuticals.

17 “(C) Activities of medical laboratories re-
18 lating to the treatment described in subpara-
19 graph (A), including assistance for the purchase
20 of necessary equipment.

21 **“SEC. 244. ASSISTANCE TO PROVIDE PSYCHOSOCIAL SUP-**
22 **PORT TO ORPHANS AND OTHER VULNER-**
23 **ABLE CHILDREN AFFECTED BY HIV/AIDS.**

24 “(a) FINDINGS.—Congress finds the following:

1 “(1) Many children who are orphaned as a re-
2 sult of AIDS blame themselves for the death of a
3 parent and many children are separated from sib-
4 lings, sometimes for life.

5 “(2) The trauma that results from the loss of
6 a parent as a result of AIDS can trigger behavior
7 problems of aggression or emotional withdrawal and
8 negatively affect a child’s performance in school and
9 the child’s social relations.

10 “(3) Children living in families affected by
11 HIV/AIDS are often stigmatized, teased, and ostra-
12 cized by peers. In Uganda, some children who are
13 orphaned as a result of AIDS are called ‘walking
14 corpses’ and discouraged from attending school.

15 “(4) Children living in families affected by
16 HIV/AIDS who are most vulnerable are those chil-
17 dren in households headed by children. In these
18 households, trained community volunteers can play a
19 major role through home visits.

20 “(5) In many African countries, religious lead-
21 ers are mobilizing individuals and local organizations
22 within the community to identify and respond to the
23 psychosocial needs of those children affected by
24 AIDS.

1 “(b) ASSISTANCE.—The President is authorized to
2 provide assistance for programs in developing countries to
3 provide mental health treatment and related services to
4 orphans and other vulnerable children affected by HIV/
5 AIDS.

6 **“SEC. 245. ASSISTANCE FOR SCHOOL FOOD PROGRAMS.**

7 “(a) FINDINGS.—Congress finds the following:

8 “(1) In 2004, it is estimated that 125,000,000
9 children worldwide do not attend school, in part be-
10 cause of hunger and malnutrition, and the vast ma-
11 jority of these children are young girls.

12 “(2) School food programs, including take-home
13 rations, in developing countries provide strong incen-
14 tives for parents to send their children to school and
15 ensure that they continue with their education.
16 School food programs may reduce short-term hun-
17 ger, improve cognitive functions, and enhance learn-
18 ing, behavior, and achievement.

19 “(3) In 2004, more than 8,000,000 children in
20 sub-Saharan Africa are underweight compared to
21 1994. Malnutrition enhances the risk that orphans
22 and other vulnerable children will be at risk for ill-
23 ness and infections, especially if these children are
24 also infected with HIV.

1 “(4) Healthy members of families affected by
2 HIV/AIDS in developing countries often leave the
3 workforce to care for those family members with
4 HIV/AIDS, which compounds the problem of access
5 to food for the family. Food consumption has been
6 shown to drop by as much as 40 percent in these
7 families.

8 “(5)(A) Although a number of organizations
9 seek to meet the needs of children who are orphaned
10 or vulnerable as a result of HIV/AIDS, local commu-
11 nities continue to be the primary providers of sup-
12 port for these children.

13 “(B) According to a survey by the United
14 States Agency for International Development, or-
15 phans and other vulnerable children relied on rel-
16 atives for food support 74 percent of the time and
17 on friends for food support 19 percent of the time.

18 “(b) ASSISTANCE.—

19 “(1) IN GENERAL.—The President is author-
20 ized to provide assistance for school food programs
21 in developing countries.

22 “(2) ACTIVITIES SUPPORTED.—Assistance pro-
23 vided under paragraph (1) should be used to pur-
24 chase local or regional foodstuffs, where appropriate,
25 for school food programs.

1 **“SEC. 246. ASSISTANCE TO INCREASE EDUCATIONAL OP-**
2 **PORTUNITIES AND PROVIDE EMPLOYMENT**
3 **TRAINING.**

4 “(a) FINDINGS.—Congress finds the following:

5 “(1) The lack of financial resources in families
6 affected by HIV/AIDS prevents many orphans and
7 other vulnerable children in developing countries
8 from attending school because of the requirement to
9 pay school fees and other costs of education.

10 “(2) Such children, in particular young girls,
11 are often forced to miss school in order to serve as
12 caregivers to relatives with HIV/AIDS or assume
13 adult responsibilities for providing for the family.
14 Younger children who lose a parent also lose the op-
15 portunity to learn skills that they will need to sup-
16 port themselves as they grow older.

17 “(3) According to the International Labor Or-
18 ganization (ILO), approximately 250,000,000 chil-
19 dren and adolescents ages 5 to 14 in developing
20 countries are working part-time and approximately
21 120,000,000 children and adolescents ages 5 to 14
22 in developing countries are working full-time.

23 “(4) In many regions of Africa and other devel-
24 oping countries, non-formal education plays an im-
25 portant role to provide children who are unable to

1 attend school with the employment and related life
2 skills training such children need to survive.

3 “(5) Many organizations in Africa, including
4 faith-based organizations, provide employment and
5 related life skills training for older children to better
6 prepare them to serve as caregivers for younger sib-
7 lings.

8 “(6) Organizations that provide non-formal
9 education can assist the thousands of children in de-
10 veloping countries who are not currently being as-
11 sisted by families or communities and are struggling
12 to survive.

13 “(b) ASSISTANCE.—

14 “(1) EDUCATION ASSISTANCE.—The President
15 is authorized to provide assistance for programs in
16 developing countries to increase enrollment in public
17 primary schools by eliminating school fees and other
18 costs of education, especially in developing countries
19 heavily affected by HIV/AIDS. Amounts made avail-
20 able to carry out this paragraph are authorized to
21 be made available to the President to make vol-
22 untary contributions to the United Nations Chil-
23 dren’s Fund to achieve the purposes of this para-
24 graph.

1 “(2) EMPLOYMENT TRAINING ASSISTANCE.—

2 The President is authorized to provide assistance for
3 programs in developing countries to provide employ-
4 ment training and related services for orphans and
5 other vulnerable children, especially in developing
6 countries heavily affected by HIV/AIDS.

7 **“SEC. 247. ASSISTANCE TO PROTECT AND PROMOTE INHER-**
8 **ITANCE RIGHTS.**

9 “(a) FINDING.—Congress finds that orphans and
10 other vulnerable children in developing countries, particu-
11 larly children who are orphaned as a result of AIDS, are
12 routinely denied their inheritance or encounter difficulties
13 in claiming the land and other property which they have
14 inherited.

15 “(b) ASSISTANCE.—The President is authorized to
16 provide assistance in support of programs in developing
17 countries to protect and promote the inheritance rights of
18 orphans and other vulnerable children, particularly young
19 girls and children who are orphaned as a result of AIDS.

20 **“SEC. 248. ADMINISTRATION OF ASSISTANCE.**

21 “(a) OFFICE FOR ORPHANS AND OTHER VULNER-
22 ABLE CHILDREN.—

23 “(1) ESTABLISHMENT.—There is established
24 within the United States Agency for International
25 Development an Office for Orphans and Other Vul-

1 nerable Children (hereafter in this title referred to
2 as the ‘Office’), which shall be headed by a Director
3 who shall be appointed by the Administrator of the
4 Agency.

5 “(2) DUTIES.—The Office shall be responsible
6 for carrying out this title.

7 “(b) APPROVAL OF APPLICATIONS.—The Director of
8 the Office shall be responsible for reviewing or approving
9 all applications submitted to the United States Agency for
10 International Development for assistance under this title,
11 including applications submitted to field missions of the
12 Agency.

13 “(c) PRIORITY.—In providing assistance under this
14 title, priority should be given to assistance for developing
15 countries in which the rate of HIV infection, as reported
16 in the most recent epidemiological data for that country
17 compiled by the United Nations Joint Programme on
18 HIV/AIDS (UNAIDS), is at least 5 percent among women
19 attending prenatal clinics or more than 15 percent among
20 individuals in groups with high-risk behavior.

21 “(d) FORM OF ASSISTANCE.—Assistance under this
22 title shall be provided in the form of—

23 “(1) grants, cooperative agreements, or con-
24 tracts;

1 “(2) contributions to international organiza-
2 tions; or

3 “(3) assistance to the governments of devel-
4 oping countries.

5 “(e) COORDINATION.—The provision of assistance
6 under this title for children who are orphaned as a result
7 of HIV/AIDS, or are children with HIV/AIDS, shall be
8 undertaken in a manner that is consistent with assistance
9 authorized under section 104A of this Act and assistance
10 relating to HIV/AIDS authorized under the United States
11 Leadership Against HIV/AIDS, Tuberculosis, and Malaria
12 Act of 2003 (Public Law 108–25).

13 “(f) OTHER ASSISTANCE.—

14 “(1) REVIEW AND APPROVAL OF OTHER USAID
15 ASSISTANCE.—The Director of the Office shall be re-
16 sponsible for reviewing or approving—

17 “(A) each component of the annual plan of
18 a mission, bureau, or other office of the United
19 States Agency for International Development as
20 the component relates to assistance for orphans
21 and other vulnerable children in developing
22 countries; and

23 “(B) each program, project, or activity re-
24 lating to such assistance.

1 “(2) COORDINATION OF ALL U.S. GOVERNMENT
2 ASSISTANCE.—The Director of the Office shall be re-
3 sponsible for ensuring coordination of all United
4 States Government programs to provide assistance
5 for orphans and other vulnerable children in devel-
6 oping countries.

7 **“SEC. 249. MONITORING SYSTEM.**

8 “(a) ESTABLISHMENT.—In order to maximize the
9 sustainable development impact of assistance authorized
10 under this title, the President shall establish a monitoring
11 system that meets the requirements of subsection (b).

12 “(b) REQUIREMENTS.—The requirements referred to
13 in subsection (a) are the following:

14 “(1) The monitoring system establishes per-
15 formance goals for the assistance and expresses such
16 goals in an objective and quantifiable form, to the
17 extent feasible.

18 “(2) The monitoring system establishes per-
19 formance indicators to be used in measuring or as-
20 sessing the achievement of the performance goals de-
21 scribed in paragraph (1).

22 “(3) The monitoring system provides a basis for
23 recommendations for adjustments to the assistance
24 to enhance the impact of the assistance.

1 **“SEC. 250. REPORT.**

2 “(a) REPORT.—Not later than December 31, 2005,
3 and each December 31 thereafter, the President shall
4 transmit to Congress a report that contains a detailed de-
5 scription of the implementation of this title for the pre-
6 vious fiscal year.

7 “(b) CONTENTS.—The report shall contain the fol-
8 lowing information:

9 “(1) For each grant, cooperative agreement,
10 contract, contribution, or other form of assistance
11 awarded or entered into under this title—

12 “(A) the amount of the grant, cooperative
13 agreement, contract, contribution, or other form
14 of assistance, the name of each recipient and
15 each developing country with respect to which
16 projects or activities under the grant, coopera-
17 tive agreement, contract, contribution, or other
18 form of assistance were carried out, and the ap-
19 proximate number of orphans and other vulner-
20 able children who received assistance under the
21 projects or activities; and

22 “(B) the results of the monitoring system
23 with respect to the grant, cooperative agree-
24 ment, contract, contribution, or other form of
25 assistance.

1 “(2) For each grant, cooperative agreement,
2 contract, contribution, or other form of assistance
3 awarded or entered into under any provision of law
4 other than this title for assistance for orphans and
5 other vulnerable children in developing countries, the
6 information described in paragraph (1)(A).

7 “(3) Any other appropriate information relating
8 to the needs of orphans and other vulnerable chil-
9 dren in developing countries that could be addressed
10 through the provision of assistance under this title
11 or under any other provision of law.

12 **“SEC. 251. AUTHORIZATION OF APPROPRIATIONS; ADDI-**
13 **TIONAL PROVISIONS.**

14 “(a) AUTHORIZATION OF APPROPRIATION.—

15 “(1) IN GENERAL.—Of the amounts made
16 available to carry out the provisions of law described
17 in paragraph (2), there are authorized to be appro-
18 priated to the President to carry out this title such
19 sums as may be necessary for each of the fiscal
20 years 2005 and 2006.

21 “(2) PROVISIONS OF LAW.—The provisions of
22 law referred to in paragraph (1) are the following:

23 “(A) The United States Leadership
24 Against HIV/AIDS, Tuberculosis, and Malaria

1 Act of 2003 (Public Law 108–25) and the
2 amendments made by that Act.

3 “(B) Any other provision of law under
4 which assistance is authorized for orphans and
5 other vulnerable children in developing coun-
6 tries.

7 “(b) ADDITIONAL PROVISIONS.—

8 “(1) AVAILABILITY.—Amounts appropriated
9 pursuant to the authorization of appropriations
10 under subsection (a) are authorized to remain avail-
11 able until expended and are in addition to amounts
12 otherwise available for such purposes.

13 “(2) MINIMUM FUNDING REQUIREMENT.—Not
14 less than 60 percent of amounts appropriated pursu-
15 ant to the authorization of appropriations under
16 subsection (a) for a fiscal year (other than amounts
17 made available for assistance to eliminate school fees
18 and other costs of education pursuant to section
19 246) shall be provided through United States or in-
20 digenous private voluntary organizations that imple-
21 ment programs on the community level. Amounts
22 provided by for-profit entities to not-for-profit enti-
23 ties from assistance under this title shall not be con-
24 sidered for purposes of satisfying the requirement of
25 this paragraph.

1 “(3) ASSISTANCE UNDER OTHER PROVISIONS
2 OF LAW.—

3 “(A) IN GENERAL.—Notwithstanding any
4 other provision of law, amounts made available
5 for assistance for orphans or other vulnerable
6 children in developing countries under any pro-
7 vision of law other than this title may be pro-
8 vided to further the purposes of this title.

9 “(B) REPORT.—To the extent assistance
10 described in subparagraph (A) is provided in
11 accordance with such subparagraph, the Presi-
12 dent shall include, as part of the report re-
13 quired under section 250, a detailed description
14 of such assistance and, to the extent applicable,
15 the information required by subsection
16 (b)(1)(A) of such section with respect to such
17 assistance.

18 **“SEC. 252. DEFINITIONS.**

19 “In this title:

20 “(1) AIDS.—The term ‘AIDS’ has the meaning
21 given the term in section 104A(g)(1) of this Act.

22 “(2) CHILDREN.—The term ‘children’ means
23 persons who have not attained the age of 18.

24 “(3) HIV.—The term ‘HIV’ has the meaning
25 given the term in section 104A(g)(2) of this Act.

1 “(4) HIV/AIDS.—The term ‘HIV/AIDS’ has
2 the meaning given the term in section 104A(g)(3) of
3 this Act.

4 “(5) ORPHAN.—The term ‘orphan’ means a
5 child deprived by death of one or both parents.

6 “(6) VULNERABLE CHILDREN.—The term ‘vul-
7 nerable children’ includes children who are ne-
8 glected, destitute, abandoned, homeless, disabled,
9 suffering from malnutrition, are sexually exploited or
10 abused, or are displaced or otherwise adversely af-
11 fected by armed conflict.”.

Union Calendar No. 272

108TH CONGRESS
2D SESSION

H. R. 4061

[Report No. 108-479]

A BILL

To amend the Foreign Assistance Act of 1961 to
provide assistance for orphans and other vulner-
able children in developing countries.

MAY 5, 2004

Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed